

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY STIVERS, individually and on)
behalf of all other similarly situated,)
) Case No. 12-01534
Plaintiff,)
) Magistrate Judge Cynthia Reed Eddy
v.)
)
OFFICE DEPOT, INC.,)
)
Defendant.)

**PROPOSED ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF THE SETTLEMENT AGREEMENT**

AND NOW, this 14th day of May, 2013, upon consideration of Plaintiff's Unopposed Motion for Preliminary Approval of the Settlement Agreement, the Court grants Plaintiff's Motion and ORDERS as follows:

1. The Parties' Settlement Agreement is preliminarily approved as fair, reasonable and adequate;
2. For settlement purposes only, the following Settlement Class is provisionally certified pursuant to Fed. R. Civ. P. 23, pending final approval of the settlement: all individuals who are current or former employees of Defendant Office Depot, Inc. who worked as Assistant Store Managers in the Commonwealth of Pennsylvania at any time between October 23, 2008 and January 1, 2011;
3. Timothy Stivers is preliminarily approved as the Class Representative;
4. Berger & Montague, P.C., Klafter, Olsen & Lesser, LLP and Whitfield Bryson & Mason LLP are appointed as Class Counsel for the Settlement Class;
5. The proposed Class Notice and Claim Form attached hereto as Exhibits A and B, respectively, are approved, and shall be sent out pursuant to the terms of the Settlement Agreement;

Case 2:12-cv-01534-CRE Document 24 Filed 05/14/13 Page 2 of 2

6. The Court will conduct a Final Approval Hearing on September 19, 2013, at 2:00 p.m. to determine the overall fairness of the settlement and to fix the amount of attorneys' fees and costs to Class Counsel and Service Award to the Class Representative. Class Counsel shall file their motion for Attorneys' Fees, Costs, and Service Award to the Class Representative on or before July 15, 2013. Class Counsel shall file their motion for final approval of the settlement on or before September 5, 2013; and

7. The schedule and procedures for completing the final approval process as set forth in the parties' Settlement Agreement are hereby approved.

BY THE COURT,



Honorable Cynthia Reed Eddy
United States Magistrate Judge